

**FISHER & PHILLIPS LLP**

3800 Howard Hughes Parkway, Suite 950  
Las Vegas, Nevada 89169

FISHER & PHILLIPS LLP  
SCOTT M. MAHONEY, ESQ.  
Nevada Bar No. 1099  
3800 Howard Hughes Parkway  
Suite 950  
Las Vegas, NV 89169  
Telephone: (702) 252-3131  
Facsimile: (702) 252-7411  
[smahoney@laborlawyers.com](mailto:smahoney@laborlawyers.com)

Attorneys for Defendant

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

VERONICA TICE,	)	Case No. 2:12-cv-00152-GMN-VCF
	)	
Plaintiff,	)	
	)	<b>MOTION FOR WAIVER OF</b>
vs.	)	<b>ATTENDANCE OF</b>
	)	<b>INSURANCE</b>
TEAVANA CORPORATION,	)	<b>REPRESENTATIVE AT ENE</b>
	)	
Defendant.	)	
_____	)	

Defendant, Teavana Corporation, by and through its counsel, FISHER & PHILLIPS LLP, hereby moves this Court, pursuant to the Order Scheduling Early Neutral Evaluation Session filed April 9, 2010, for an order excusing the physical attendance of Heather Hardy, the insurance representative for Chartis Insurance, who works in New York, at the May 4, 2012 ENE.

Ms. Hardy has many pending matters, and is currently scheduled to either attend or monitor a trial in Texas on May 7, immediately followed by a trial in St. Thomas, Virgin Islands. Her physical attendance would result in at least two days of travel (including over part of a weekend) and associated expense, which is unnecessary because Defendant will have a settlement position formulated before the ENE, Ms. Hardy would be available during the ENE by telephone as needed, and one or more

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1 representatives from Teavana will be physically present at the ENE. Further, because  
2 the deductible under the insurance policy is relatively high, no insurance money would  
3 be involved in any settlement of this case at the ENE. Finally, Plaintiff's counsel has  
4 indicated to defense counsel that he has no objection to the waiver.

5  
6 Respectfully submitted,

7 FISHER & PHILLIPS LLP

8  
9 /s/ Scott M. Mahoney, Esq.  
10 SCOTT M. MAHONEY, ESQ.  
11 3800 Howard Hughes Parkway  
12 Suite 950  
13 Las Vegas, Nevada 89169  
14 Attorneys for Defendant

15  
16 **CERTIFICATE OF ELECTRONIC SERVICE**

17 This is to certify that on the 10th day of April 2012, the undersigned, an  
18 employee of Fisher & Phillips LLP, electronically filed the foregoing Motion for  
19 Waiver of Attendance of Insurance Representative at ENE with the U.S. District Court,  
20 and a copy was electronically transmitted from the court to the e-mail address on file  
21 for:

22 Richard Segerblom, Esq.

23  
24 By: /s/ Lorraine James-Newman  
25 An employee of Fisher & Phillips LLP

26 IT IS SO ORDERED. Attendance by Heather  
27 Hardy, insurance representative for Chartis  
28 Insurance Company, is waived for the ENE  
scheduled for 5/4/2012. Ms. Hardy shall be  
available by telephone for the duration of  
the ENE.